

04 NCAC 24A .0103 is proposed for amendment as follows:

04 NCAC 24A .0103 ADDRESSES FOR NOTICE AND ELECTRONIC NOTICE

(a) In all transactions requiring notice by G.S. 96 or these Rules, DES shall provide notice to ~~the party's~~ a claimant or employer's last known address as reflected in its official records.

(b) Except as provided in ~~Paragraph (a) of this Rule Chapter, when~~ DES ~~shall mails mail~~ a notice of an initial claim to the employer at one of the following addresses:

- (1) the address of the employer for which the claimant last worked;
- (2) if the employer has more than one branch or division at different locations, the address of the branch or division for which the claimant last worked; or
- (3) an address designated by the employer as reflected in DES's official records.

(c) Claimants may elect to receive communications from DES solely by electronic transmission as defined in 04 NCAC 24A .0105.

(1) A claimant who consents to receive communication by electronic transmission may withdraw consent at any time by providing DES with a written withdrawal of consent.

(2) Any communication that was sent to a claimant by electronic transmission before the withdrawal of consent shall be effective as an electronic transmission.

(3) Except as provided in Paragraph (f) of this Rule, withdrawal of consent to receive communication by electronic transmission shall become effective on the date that DES receives the written withdrawal of consent.

(d) A claimant who elects to receive communications by electronic transmission shall provide DES with a valid email address.

(1) DES shall validate each email address by sending a notification containing a hyperlink to the email address provided by the claimant. The email sent by DES shall require the claimant to click on the hyperlink in the email in order to navigate to SCUBI to complete validation.

(2) After a claimant validates the email address, DES shall provide all communication by electronic transmission, including determinations, requests for information, notices, and decisions. For each action taken on an account, DES shall notify each claimant by email that an action was taken, and shall direct the claimant to log into his or her SCUBI account.

(e) A claimant who elects to receive communication from DES by electronic transmission shall not receive communication from DES by mail, unless the communication transmitted to the claimant's email address is returned to DES as undeliverable.

(1) When an electronic communication is returned to DES as undeliverable, DES shall suspend communications by electronic transmission to the claimant's email address, and shall place an alert on the claimant's SCUBI home page. The alert shall notify the claimant:

(A) that electronic transmissions to his or her email address have been suspended;

1 (B) to contact the Customer Call Center to update his or her mailing and email addresses as
2 provided in 04 NCAC 24A .0102; and

3 (C) that the claimant may elect to resume receiving communications by electronic
4 transmissions.

5 (2) Upon suspension of electronic transmissions to the claimant, DES shall send all communications to
6 the claimant by first class mail.

7 (3) A claimant who elected to receive communications by electronic transmissions from DES, and who
8 desires to continue receiving electronic communications, but instead receives postal mail, shall
9 contact the Customer Call Center by phone at (888) 737-0259 or facsimile at (919) 250-4315 to
10 provide a valid email address, and notify DES that communications should be sent by electronic
11 transmission.

12 (f) Except as otherwise provided in this Chapter, DES shall use the date and time of the electronic transmission to the
13 email address provided by the claimant, or authorized agent, as the service date for purposes of calculating the time
14 periods for correspondence, notices, deadlines, and filings. Time periods shall be determined by the date of electronic
15 transmission if the communication is not received by the claimant as a result of an error or omission on the part of the
16 claimant, or agent of the claimant.

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18 History Note: Authority G.S. 96-4; 96-9.2; 96-14.1; 96-15; 96-40;

19 Eff. July 1, 2015;

20 Amended Eff. September 1, 2017.